United Nations S/2009/117

Security Council

Distr.: General
26 February 2009

Original: English

Identical letters dated 25 February 2008 from the representatives of Cuba, Oman, Senegal and Uganda to the United Nations addressed to the Secretary-General and the President of the Security Council

We write to you and through you to all members of the Security Council on the burning issue of the Sudan and the International Criminal Court at this critical juncture. You are well aware that throughout past times regional and international organizations were unanimous in drawing the attention of the Security Council and the international community to the potential destabilizing effects in the event that the Pre-trial Chamber of the Court issues a warrant of arrest against Omar Hassan Ahmed Al-Bashir, President of the Republic of the Sudan. Regional and international organizations expressed their deep concern that the action of the International Criminal Court could seriously undermine the ongoing efforts aimed at facilitating the early resolution of the conflict in Darfur and the promotion of long-lasting peace and reconciliation in the Sudan. They also expressed their deep concern that the action could further lead to greater destabilization for the country and the entire region. In accordance with its mandate within the framework of the Rome Statute and in line also with its Charter responsibilities to ensure the maintenance of peace and stability, it is the responsibility of the Security Council to avert threats to peace and to take necessary measures to guard against such threats.

Guided by the above-mentioned considerations and the positions expressed by the various regional and international organizations, and in order to defuse this new and dangerous situation and prevent its recurrence, and in view also of the delicate nature of the peace processes under way in the Sudan, the undersigned, representing regional and international organizations, request the United Nations Security Council, at this critical time, to take the necessary and urgent measure to defer, in accordance with article 16 of the Rome Statute of the International Criminal Court, the process initiated by the Court, taking into account the need to ensure that ongoing peace efforts under the African Union/Arab League and the joint Chief Mediator are not jeopardized, and that the situation is not further inflamed. This request is also warranted in view of the need to augment the positive developments in the deployment of UNAMID and in the issue of accountability and reconciliation, along with the profound need to advance the peace efforts.

09-25134 (E) 270209

We would like, in conclusion, to request you to circulate this letter to all members of the Security Council and to have it issued as a Council document.

(*Signed*) Ileana B. **Núñez Mordoche**
Ambassador
Chargé d'affaires a.i. of Cuba to the United Nations
Chairman of the Non-Aligned Movement

(*Signed*) Mohammed Aqeel **Ba-Omar**
Ambassador
Chargé d'affaires a.i. of Oman to the United Nations
Chairman of the Group of Arab States

(*Signed*) Paul **Badji**
Ambassador
Permanent Representative of Senegal to the United Nations
Chairman of the Group of African States

(*Signed*) Ruhakana **Rugunda**
Ambassador
Permanent Representative of Uganda to the United Nations
Chairman of the OIC Group of States